

Attachment to Independent Case Review Report
For CDRU # 3 Case file # 7-HQ-19727.

Material Examiner: Malone (RO)

Remarks:

After research, it has been determined that the dictation/notes of Examiner Malone (RO) are incomplete/missing from the case file at the time of the review by the Independent Scientist.

It also has been determined that two National Law Enforcement Teletype Systems (NLETS) communications dated 8-29-85 and 6-13-85 are missing from the case file at the time of the review by the Independent Scientist.

Case resulted in a guilty plea, no trial transcript available.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 11:00 AM (Time), 11/13/00 (Date)

File #: 7-2806

Laboratory #(s): 50606002, 50606003, 50606004

50606005, 50610028, 50618059

50618060, 50619132, 50619134

50620025, 50624008,

50624062, 50627036,

50628011

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>RQ</u>	<u>X</u> <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>WM, WH, VJ</u>	<input type="checkbox"/>	<u>X</u> <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
<u>WX, VY, RU</u>	<input type="checkbox"/>	<u>X</u> <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: _____

Testimony Date(s): _____

Pages: _____

Laboratory Report(s):

Laboratory Number: see above

Date: June 25, 1985

Laboratory Number: see above

Date: July 8, 1985

Laboratory Number: _____

Date: _____

Examiner Bench Notes of

RQ

Laboratory Number: 50606003

50619132

50624008

Page 1 of 4

Initials: SR

Was any other material reviewed? ☒ Yes

☐ No

If yes, please identify and/or describe the material: Multiple letters from SAC-Chicago itemizing the evidence being submitted and the laboratory examinations requested on the evidence

Results of Review

File #: 7-2806

Item or Specimen # Reviewed: Q13, Q72, Q73, Q74, Q79 and

K66

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☒ No ☐ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☒ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☐ Yes ☐ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☐ Yes ☐ No ☐ Unable to Determine

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 7-2806

#1. The examiner did not perform the appropriate tests available to him at the time of the original documentation.

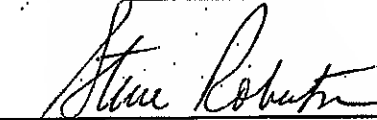
A color comparison between the blue and green wool fibers was performed with a microspectrophotometer, but the examiner did not use this same test when comparing the orange nylon fibers. Further, there is no documentation of the any test the examiner may or may not have used to perform the comparison of the orange fibers (specifically, the fibers are identified as nylon but there is no documentation of how the examiner determined the fibers were nylon, or that the fibers are the same type of nylon or that the fibers have the same cross-sectional shape).

#2. Documentation of the tests performed is not adequate. The notes are not dated or initialled, are in pencil and not ink and use abbreviations that are difficult to interpret (such as "ffvtc" for fiber exam). Only the examiner's conclusions are documented; the observations that lead to the conclusions are not documented, especially for the

Review completed at: 1:15 PM (Time), 11 / 13 /2000 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1:45 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.


(Signature)

11-13-2000
(Date)

Additional Comments
(Set forth by question #, if applicable)

File #: 7-2806

#2 (continued): orange nylon fibers.

The microspectrophotometry charts for the blue and green wool fibers are not marked with date, initials or x and y axis information.

The recovery of any fibers from the Q items is not documented at all.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 1:15 PM (Time), 11/13/00 (Date)

File #: 7-19727

Laboratory #(s): 50606004

50820010

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
WM	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: _____

Testimony Date(s): _____ Pages: _____

Laboratory Report(s):

Laboratory Number: 50820010

Date: Oct 30, 1985

Laboratory Number: _____

Date: _____

Laboratory Number: _____

Date: _____

Examiner Bench Notes of: RQ

Laboratory Number: 50820010

50606004

Page 1 of 3

Initials: SR

Was any other material reviewed? ☐ Yes ☒ No

If yes, please identify and/or describe the material: _____

Results of Review

File #: 7-19727

Item or Specimen # Reviewed: Q3, Q11A of 50820010 and

K2, K4 of 50606004

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No ☒ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☒ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☐ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☒ Yes ☐ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☐ Yes ☐ No ☐ Unable to Determine

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 7-19727

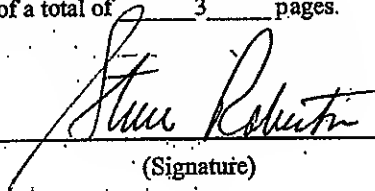
#1. It cannot be determined from the documentation if the test were performed in a scientifically acceptable manner.

#2. Documentation of the examination performed is not adequate. The notes are not dated or initialed, are in pencil and not ink and use abbreviations that are difficult to interpret (such as "M-lt dist, lt indist", "cut-sl-mod sp" and "P-PPD" to describe certain characteristics of the hair)

Review completed at: 1:45 PM (Time), 11 / 13 / 2000 (Date)

Total time spent conducting review (to nearest 1/4 hour): 0.5 hour

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.


(Signature)

11-13-00
(Date)